

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Reginal Gerrill Toomer Bey)	Civil Action No. 2:18-1866-RMG
)	
Plaintiff,)	
)	
v.)	ORDER AND OPINION
)	
State of South Carolina, North Charleston)	
Municipality Court, Magistrate Thaddeus)	
Doughty, John Duffy, Sarah Fortier,)	
and Clerk Angela Cartrette,)	
)	
Defendants.)	
_____)	

Before the Court is the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that Plaintiff’s Complaint be dismissed without prejudice. (Dkt. No. 10.) For the reasons set forth below, the Court adopts the R & R as the Order of the Court and dismisses Plaintiff’s Complaint without prejudice.

I. Background

Plaintiff is a *pro se* litigant who claims that Defendants violated his Fourth, Fifth and Sixth Amendment rights and “denied him the right to a Nationality.” (Dkt. No. 1 at 1.) Plaintiff appears to bring these claims pursuant to 42 U.S.C. § 1983. The Complaint references Plaintiff’s November 2017 and March 2018 attempts to file an affidavit with Defendant Cartrette, Plaintiff’s August 2017 arrest by Defendant Fortier, the March 2017 warrant issued by Defendant Duffy, and an April 2018 arraignment held by Defendant Doughty. (Dkt. No. 1 at 1-5.)

II. Legal Standard

The Magistrate Judge makes a recommendation to the Court that has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See, e.g.,*

Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where there are no objections to the R & R, the Court reviews the R & R to “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee’s note. In the absence of objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge’s analysis and recommendation. *See, e.g., Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (“In the absence of objection . . . we do not believe that it requires any explanation.”).

III. Discussion

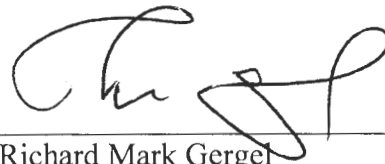
Plaintiff did not file objections to the R & R. The Court finds that the Magistrate Judge ably addressed the issues and correctly concluded that this case should be dismissed as a result of Plaintiff’s failure to comply with Court Orders. On October 2, 2018, the Magistrate Judge issued a Proper Form Order notifying Plaintiff that the case was subject to dismissal pursuant to Federal Rule of Civil Procedure 41. (Dkt. No. 6.) The Magistrate Judge also notified Plaintiff that the Complaint was subject to dismissal for failing to state a claim and ordered Plaintiff to file any amended complaint within twenty-one days. (Dkt. No. 8.) Plaintiff did not respond to the Proper Form Order nor did he file an amended complaint. Plaintiff’s lack of response indicates his intent not to continue prosecuting his claims and, therefore, subjects the case to the *sua sponte* dismissal. *See* Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (“The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”); *Ballard v. Carlson*, 882 F.2d 93,

95-96 (4th Cir. 1989) (district court's dismissal following failure to respond to a specific directive is not abuse of discretion). For these reasons, Plaintiff's Complaint is dismissed.

IV. Conclusion

For the foregoing reasons, the Court **ADOPTS** the R & R (Dkt. No. 10) as the Order of the Court. Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE**.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

November 20, 2018
Charleston, South Carolina